

ETHICAL CHALLENGES IN THE EU'S EXTERNAL HUMAN RIGHTS POLICY

AVRUPA BİRLİĞİ'NİN DIŞA DÖNÜK İNSAN HAKLARI POLİTİKASINDAKİ ETİKSEL SORUNLAR

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Abstract

The European Union (EU) has promoted human rights in its external policy since the end of the Cold War. To achieve that aim, the EU has developed several diplomatic, political, and economic instruments. The EU prefers diplomatic instruments in conducting its external relations and its actions are based on dialogue and engagement. This has a great impact in the international arena in terms of promoting human rights and plays a key role in upholding human rights on a global scale. However, the EU has been criticized for the lack of effectiveness of its external human rights policy. Political and economic interests of the EU member states, difficulties in the consensus among EU states, the capacity of reciprocity of third countries, legality and consistency problems, and the lack of sufficient operational mechanism to evaluate, conduct and implement its human rights policy have all resulted in a less than effective external human rights policy. In addition, the EU's external human rights policy has met with several ethical challenges, such as consistency, coherency, sovereignty, legality, credibility, and legitimacy. It is concluded that the external policy of the EU will continue to fluctuate between values, norms, and interests.

Keywords: European Union, External Relations of the EU, Human Rights Policy, Normative Ethics, Ethical Challenges

Özet

Soğuk Savaş'ın sona ermesinden buyana Avrupa Birliği (AB), insan haklarını kendi dış ilişkilerinde ön plana çıkarmaktadır. Bu amaç doğrultusunda AB çeşitli diplomatik, politik ve ekonomik araçlar geliştirmiştir. AB dış ilişkilerinde diplomatik araçları tercih etmekte ve faaliyetlerini diyalog ve taahhüt temelinde yürütmektedir. Bu durum, insan haklarını uygulama bakımından uluslararası alanda büyük bir etki oluşturmakta ve insan haklarının küresel seviyede desteklenmesinde önemli bir rol oynamaktadır. Ancak Avrupa Birliği, dışa dönük insan hakları politikasının etkili olmadığından bahisle çeşitli eleştirilere maruz kalmıştır. AB ülkelerinin siyasi ve ekonomik çıkarları, üye ülkeler arasındaki uzlaşmadaki zorluklar, üçüncü ülkelerin mütekabiliyet kapasiteleri, meşruluk ve tutarlılık problemleri ve insan hakları politikasını değerlendiren, yürüten ve uygulayan yeterli fiili bir mekanizmanın bulunmayışı dışa doğru daha az etkili bir insan hakları politikasının izlenmesine neden olmaktadır. Bununla birlikte, AB'nin dışa dönük insan hakları politikası tutarlılık, uyumluluk, egemenlik, kanunilik, inanılabilirlik ve meşruiyet gibi çeşitli etiksel problemler

ile karşı karşıya kalmıştır. Sonuç olarak AB'nin dış politikasının değerler, normlar ve çıkarlar arasında gidip gelerek şekillenmeye devam edeceği vurgulanmıştır.

Anahtar Kelimeler: Avrupa Birliği, AB'nin Dış İlişkileri, İnsan Hakları Politikası, Normatif Etik, Etiksel Sorunlar

INTRODUCTION

Since the end of the Cold War, the promotion of human rights has been one of the key objectives of the EU as regards its external relations policy. To this end, the EU, a normative power in the international arena, has developed several instruments aimed at protecting and promoting human rights. It has aimed to use these instruments consistently and coherently in its external relations with third countries. However, how do we better understand the EU's human rights policy in its external relations? Here, an assessment from ethical dimension will prove an insightful point of view. In this respect, virtue, deontological, and consequentialist approaches provide some ethical dimensions for framing this issue, and for understanding some of the ethical challenges of the EU. These issues and the efficiency of the EU's external human rights policy are assessed here to shed light on the topic.

In this sense, first, I explain normative ethics and how this applies to the EU's foreign policy. Second, I assess the EU's motives of adapting human rights as an objective, as well as a legal basis for promoting human rights in its external policy, along with the EU's foreign policy instruments. Third, I discuss the effectiveness of the EU's external human rights policy. Fourth, I assess some ethical challenges in the context of the EU's foreign policy. Finally, I end the study with some concluding remarks.

1) NORMATIVE ETHICS OF THE EU'S EXTERNAL RELATIONS

In terms of normative ethics, it appears the EU's relations with other countries should be grounded on normative ethical principles. Normative ethics concentrates on principles and actions of groups of societies and their impacts. In this respect, virtue, deontological and consequentialist ethics approaches are very crucial perspectives in the context of examining the application of normative ethics within the EU's foreign policy.

Virtue ethics, one of the key approaches in normative ethics, can be applied to make sense of the character of the EU's external actions. From this perspective, the EU actions should provide a virtuous example to the rest of the world. This means that the EU's foreign policy should be normatively consistent and coherent. Consistency between its external and internal policies and actions is a key condition for being viewed as a credible normative power. In addition, coherence is of significance because it ensures us that the EU's norms and its foreign actions are coherent and can ensure more universality and comprehensiveness.

Deontological ethics focuses on the actions of groups or societies. The actions of the EU in the foreign policy arena can be assessed using this approach. From the view point of deontological ethics, after building on coherence and consistency, the normative actions of the EU should be based on dialogue and engagement. In this respect, the EU's foreign policy should be reasonable, and should ensure safety through the approaches it uses as far as rationalizing and reasoning in the context of its external relations through dialogue and engagement goes.

Consequentialist ethics focuses on the consequences of practices and actions. In this respect, consequentialist ethics assesses the impacts of the EU's external actions. This approach raises several questions about the nature of the EU's external relations with the rest of the world as in the example of the EU's financial assistance and trade policies. Consequentialist ethics suggests that

the EU should 'do the least harm' in the context of world politics by caring about the impact of its policies on third countries (Manners, 2008).

In this regard, I will assess the human rights perspective as this occurs in the EU's foreign policy activities and actions, and then, I will discuss some of ethical problems raised concerning its relations with third countries in the following sections.

2) HUMAN RIGHTS IN THE EU'S FOREIGN POLICY

The EU is a normative power in the international arena and promotes generally accepted normative principles. These are freedom, sustainable development, good governance, the rule of law, equality, sustainable peace, social solidarity, and human rights (Manners, 2008).

The promotion of human rights is one of the key objectives of the EU's external relationship policy. The EU has promoted human rights in its external policy since the end of the Cold War (Smith, 2003). Promoting these values has increasingly pervaded the EU's foreign policy. In this respect, the EU has become a major normative power on a global scale as a result of formalizing these values and objectives in its structures and foreign policies and establishing instruments for promoting them (Keukeleire & MacNaughtan, 2008).

Moreover, the EU's foreign policy reflects the application of normative principles by the EU. Indeed, the EU is a normative model derived from "the credibility of its identity as a beacon for certain distinctive values and norms". As a result of its association with the EU's identity with democracy and human rights, these expectations pushed the EU to focus on these issues (Youngs, 2004, p. 417).

a) Why are Human Rights in the EU's Foreign Policy?

The EU's human rights policy has evolved as a result of compromise (Youngs, 2004). However, the motives for the adoption of human rights as an objective by the EU in its external policy are mixed. From the altruistic perspective, human rights should be promoted as a concept for its own sake as a manifestation of global cosmopolitanism. From the self-interested (realist and materialist) perspective, the agreed upon view is that the promotion of human rights provides security and the violation of these values leads to insecurity and instability in both the internal and international arena and is thus a key motivation. This view shared by the EU members, is designed to create better neighbors and prevent conflicts. In an idealist vein, the expression of its identity through the promotion of human rights is a significant motivator for the EU. The member countries are advanced in human rights protection spheres and they want to promote these shared values to the rest of the world through the EU (Smith, 2003).

From the ethical perspective, the ethical dimension of the EU would be evident if its foreign policy objectives were determined primarily in regards to human rights concerns. In this respect, cosmopolitanism might seem as an important ethical stance. It is stressed that "the relevance of human rights as a legitimizing principles for normative cohesion and juridical self-comprehension of the EU as a collective supranational actor". From this point of view, the EU's foreign policy could reflect a cosmopolitan orientation. However, this claim makes one skeptical when the rights of the states are considered with regards to idea that the state is "a particular ethical quality which is difficult to dismiss" (Ypi, 2008, p. 352).

b) Legal Basis for Promoting Human Rights in the EU's Foreign Policy

There was a weak legal basis for promoting human rights in the EU's external relations under the Single European Act of 1987. However, the Treaty of Maastricht of 1992 and the Treaty of Amsterdam (TEU Article 11 (1)) provided a legal basis for promoting and protecting human rights in the foreign policy area (Lampe, 2007).

“The Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy, the objectives of which shall be:

.....

- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms” (Treaty on European Union).

In TEU Article 3 (5), the EU defines its external relations:

“In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.” (Consolidated Version of Treaty on European Union)

It is obvious that promotion of the EU values is one of the main areas of concern as regards its external relationships with other countries.

c) The EU's Human Rights Instruments

Since the end of the Cold War, and in order to promote human rights, the EU has developed several diplomatic, political, and economic instruments. The political and diplomatic tools are agreement with human rights clauses, political dialogue, joint actions, common strategies, common statements, demarches, declarations, and suspension mechanisms. The economic tools are financial assistance and aid, agreements with human rights clauses, suspension mechanisms, and sanctions (Balfour & Missiroli, 2007). The following paragraphs explain these instruments very briefly.

i) Common Strategies: The European Council decides on Common Strategies in fields where the EU countries have significant interests. There were 3 common strategies implemented in regards to Russia, Ukraine, and the Mediterranean Region. In regards to each strategy, the duration, objectives, and resources were specified. Common Strategies adopted with Common Positions and Joint Actions by the Council formed the basis of the implementation process.

ii) Common Positions: The position of the EU in regards to a particular issue can be adopted by the Council. These Common Positions are legally binding on the EU countries. The members must comply with them.

iii) Joint Actions: Joint Actions were adopted in certain circumstances and concrete actions were taken. The objectives, conditions, resources and the scope of these actions were specified for each specific joint action. To protect and promote human rights, the EU can go beyond demarches and declarations by implementing joint actions in specific situations. For example, in order to provide stability in Eastern and Central Europe and to support peace in Middle East, Joint Actions have been taken by the EU in the past.

iv) Declarations: Declarations, which are public expressions of the EU, are flexible instruments and provide a quick response and reaction to sudden incidents in certain places. There have been around 150 declarations annually.

v) Political Dialogue and Demarches: These are the primary instruments for making contact with other countries. The purpose of political dialogue is to resolve democratic, humanitarian actions, and human rights issues within the country in question. These meetings can take place at all levels and can include experts, ministries, or presidents. Demarches can be confidential or public. For example, confidential demarches have been used by the EU with

regards to the death penalty in the USA. However, demarches have no legal effect and they are solely political instruments (Lampe, 2007).

vi) Human Rights Clause: This has been included in all EU agreements (either economic or political) with non-member countries since 1992. The respect for human rights is defined as 'essential element' in the EU's external relations and is defined by the human rights clause (Horng, 2004, p. 678).

vii) Human Rights Guidelines: Human rights guidelines form the backbone of the EU's human rights policy. The Council of the EU adopted these guidelines unanimously. They thus appear as a political expression of the EU's priorities.

The EU human rights guidelines consist of following subjects: (European Union, 2012, p. 15)

- Death penalty
- Torture and other cruel, inhuman or degrading treatment or punishment
- Human Rights dialogues
- Children and armed conflict (CAAC)
- Human Rights Defenders
- Promotion and Protection of the Rights of the Child
- Violence against women and girls and combating all forms of discrimination against them

- Promoting compliance with International Humanitarian Law

viii) Sanctions: Sanctions are one of the major instruments that can be aimed to depose third countries in the presence of a violent conflict. They can be also described as restrictive or negative measures. They can be applied for several purposes such as the promotion of human rights and democracy or the dispersal of violent conflicts (Brummer, 2009).

ix) The European Instrument for Democracy and Human Rights (EIDHR): It was launched in 2006 as a replacement of the European Initiative. It has a broad scope of action for promoting of human rights and democracy in third countries. The budget of EIDHR for promotion of human rights and democracy is € 1.104 million for 2007-2013 (European Commission).

x) The European Neighborhood Policy (ENP): This was launched in 2003. It provides an alternative to accession of the EU by offering the benefits of integration with the EU without expanding the membership of the EU. It is believed that pursuing the human rights objectives by EU can provide the best solution for ensuring stability in the surrounding regions of the EU (Eastern Europe, the Middle East, North Africa, and the South Caucasus) because these regions have a poor record regarding human rights (Balfour & Missiroli, 2007).

3) EFFICIENCY OF HUMAN RIGHTS IN THE EU'S FOREIGN POLICY

In order to promote human rights in third countries effectively, the EU has used the abovementioned instruments. It has sought to build effective standards to promote human rights at the OSCE, the Council of Europe, and the UN. It has worked together not only with EU member countries, but also with civil society. In addition, it has placed its values at the heart of its enlargement policy (European Commission).

From the view point of deontological ethics, it is clear that the EU actions are based on dialogue and engagement. There are many examples which prove that. For example, political dialogue meetings were held with Iran and China. During the meetings, the governments discussed the human rights violations with NGOs and civil society representatives. In addition, the EU enforced its Common Position in 1996 and took additional restrictive measures against

Myanmar/Burma because of the increasing human rights violations in that country (Lampe, 2007). Moreover, the EU is one of the largest importers and exporters of the good. It has included human rights clauses in its external trade policy for promoting human rights globally. In this context, several types of conditionality clauses have been established. To achieve this aim, the EU holds several political dialogue meetings with the other countries in order to implement these human rights clauses (Zwagemakers, 2012). Furthermore, after 9/11, the EU used human rights as an instrument in its foreign policy to build alliances with states such as Syria, Pakistan, and Iran. A number of human rights initiatives were put into effect in conjunction with Islamist groups in order to prevent radicalism and maintain alliances (Youngs, 2004).

It is obvious that the EU prefers diplomatic instruments in its external relations. The EU's foreign policy differs from the US foreign policy in terms of using more diplomatic tools, putting forward negotiations, and seeking peaceful ways of resolving global problems, and has respect for international conventions (Ypi, 2008). In this respect, it can be claimed that the EU's foreign policy is more ethical than the foreign policy of the USA.

The effectiveness of the EU's human rights policy instruments may differ according to the point of view. It is clear that the foreign policy instruments of a group of states who wish to promote human rights is more effective than the foreign policy instruments of a state which acts its own. In this respect, the Union has a great impact in the international arena in terms of promoting human rights. Third countries pay careful attention to the declarations of the EU on human rights situation. A similar effect can be seen in the context of EU sanctions rather than a country's sanction regarding human rights violations. In a similar vein, the numbers of external policy instruments the EU employs is greater than the number a single member state may employ (Lampe, 2007). Therefore, the EU has successfully spread its values into the international arena and applied the human rights clause in reference to its cooperative and trade agreements. It has also affected the present global trends in human rights policy. Furthermore, the increased cooperation and dialogue between the EU and the rest of the world in the context of this human rights clause contributes to global peace, development, and stability (Horng, 2004). In this respect, the EU plays a key role in upholding human rights on a global scale. These claims are made on behalf of the EU policy instruments.

On the other hand, some of the issues mentioned above are influencing the effectiveness of the EU's human rights policy negatively. Firstly, the EU has been criticized because respect for human rights has often played second fiddle to the strong political and economic interests of one or more EU member countries. It is not possible in an action of one or more EU states to have both a strong interest in the issue and to also oppose the action (Lampe, 2007). In addition, the significance of promoting human rights externally has been agreed upon by all EU member states. However, the consensus among EU states on what sort of policies should be used to provide effective outcomes and their prioritization has always been a problem (Smith, 2003).

Moreover, the EU's conditionality has been criticized because of its ineffectiveness. Here, the primary concern is the lack of sufficient operational mechanisms for evaluating, conducting, and implementing the human rights conditionality policy. This need has been compensated for through the existing structures which are established to deal with other tasks rather than the conditionality policy. In this respect, other interests have taken its place in the agenda. Moreover, the concepts of legality and consistency are crucial for ensuring effectiveness because it is very difficult to create an effective policy without these attributes. Greater legality

and consistency leads to greater compliance of third countries, and in turn, more effective results in terms of promoting human rights.

Sri Lanka is a good example as regards demonstrating the efficiency problem of the EU's external human rights policy. Sri Lanka is trading partner of the EU and the beneficiary of the GSP+, which provides Sri Lanka with duty free access to EU markets. The EU has held several political dialogue meetings with Sri Lanka. Because of the severe human rights violations in Sri Lanka, the EU temporarily suspended the GSP+ trade with it in February 2010. In addition, prior to this date, the EU condemned murders, violations of child labor law, torture, and police violations in Sri Lanka. In response, Sri Lanka expressed the view that the EU's interests in political issues dominated its trade interests. In the GSP+ negotiations held in June 2010, the EU added 15 human rights and democracy requirements which included the freedom of journalists and independent appointments to key public positions. As a result, Sri Lanka stopped further talks with the EU. The government stressed that these requirements were infringing on the country's sovereignty. Thus, China has become a new trading partner with Sri Lanka (Zwagemakers, 2012).

Furthermore, the other criticism is related to the ineffectiveness of the sanctions when the third country has the capacity of reciprocity. Reciprocity should be one of the elements strongly considered in the implementation of human rights clauses to provide credibility. However it is asserted that the EU commonly imposes sanctions when the third country has no capacity to reciprocate as in the example of Zimbabwe. The EU imposed sanctions in December 2008 as a reaction to human rights violations in that country. On the other hand, the EU refrains from imposing sanctions when third countries such as China and Russia have the power to reciprocate. There are no sanctions put forth, nor any limited sanctions that have been adopted against these countries. In the face of the use of violent force to quell demonstrations in Tibet in 2008 by China and military intervention to Georgia in 2008 by Russia, the EU's response remained very weak (Brummer, 2009).

In order to provide for an effective human rights policy, the attention of the third country is very significant. For example, the ENP Action Plans consist of both short-term and long-term objectives and can be useful when there is internal consistency to change in third countries. If a country has less attention of reforming its structure, these action plans will have less impact on such governments. The successful examples of Jordan, Moldova, and Morocco illustrate this fact. They all adopted ENP Action Plans of their own accord and facilitated domestic reforms (Balfour & Missiroli, 2007). On the other hand, China portrays a different picture. China and the EU evaluate sovereignty and human rights differently. So, the political relationship between the EU and China has been hampered by these different approaches. For example, dialogue in the form of meetings between China and the EU were held regularly. However, the different views on sovereignty and human rights by these two sides resulted in a diplomatic crisis between China and the EU in the late 2008. In May 2009, China stressed the fact that the relationship between the EU and China is based on mutual respect and non-interference in each other's domestic interests. In addition, China emphasized that human rights should not be considered above sovereign rights because the sovereignty principles are not outdated. On the other hand, the EU as a normative power has aimed to promote human rights in China and has continued to hold human rights dialogue with China. However, the results have not satisfied the Europeans because the Europeans believe that there is no appreciable development in the human rights behavior of China (Men, 2011).

4) SOME ETHICAL CHALLENGES IN THE EU'S HUMAN RIGHTS POLICY

The EU has promoted human rights in its external policy. However, it has been faced with several challenges in promoting human rights inside and outside its borders. Inconsistency and incoherency seem the main problems that lead to some of the ethical challenges. In addition, sovereignty, legality, and legitimacy remain ethical challenges in the EU's human rights policy.

a) Consistency

In terms of the external policy of the EU, consistency means that the EU treats non-member countries indifferently. In other words, the EU reacts in a similar way to each third country in which the same human rights violation takes place. However, the EU's foreign policy has often been assessed as being inconsistent when its relations with third countries are considered (Smith, 2003).

When the application of the EU foreign policy instruments (such as human rights demarches, common positions, joint actions, and sanctions) is examined, it is obvious that these are implemented to strategically and economically insignificant countries such as Afghanistan, Rwanda, Angola, Burma, etc. On the other hand, the human rights violations of the important countries such as China, the USA, and Russia have not been treated in the same way. Therefore, this dilemma makes the EU's foreign policy inconsistent. For example, the EU commonly applies negative measures almost without regard to small African countries which have less significance for the EU, both economically and politically. On the other hand, Algeria received financial support despite its human rights violations. The Ethiopian dictatorship continued to receive financial aid from the EU between 1991 and 1994. In addition, ex-Yugoslavia received financial support in 1997 when severe human rights violations were ongoing in the country (Lampe, 2007).

The EU's sanctions, restrictive or negative measures, have been used for several purposes such as the promotion of human rights and the settlement of violent conflicts (Brummer, 2009). However, the use of sanctions is driven by various concerns which make it inconsistent. There are some reasons for not applying negative measures in the context of certain countries. First, the use of negative measures can be blocked by any member country because of the political and strategic importance of the third country. Second, the negative measures would impact the commercial interest of one member or more members. In addition, if the effectiveness of the negative measures is doubted in general, it could be difficult to come to a clear policy decision. There should be a consensus between the EU member states to implement negative measures; however, a consensus may be difficult to attain owing to the aforementioned reasons. In addition, although all EU member countries share a similar view concerning the significance of promoting human rights, they cannot promote human rights to the same extent in all cases. In order to promote human rights, on the one hand, the northern European countries tend to implement more vigorous actions such as negative measures; on the other hand, the southern European countries are more reluctant to prioritize human rights in external relations with the third countries. These differences lead to inconsistencies in the implementation of the EU's human rights policy (Smith, 2003).

From an ethical perspective, the human rights policy of the EU does not seem totally convincing. Since there are still no criteria concerning when an action should be taken and which instruments should be used for preventing human rights violations, it can be asserted that every incident is different and should be treated individually. However, it can be suggested that a "human rights catalogue" or "a code of conduct for the EU's promotion of human rights in its foreign policy" would be useful for enhancing consistency. Nevertheless, in the political

framework of the EU, the establishment of a human rights catalogue appears unrealistic (Lampe, 2007, p. 114).

b) Coherency

Coherency is the other most significant problem in the realm of external relations of the EU. The hybrid polity characteristic of the EU raised this problem. Evidence suggests the parallel existence of member states' foreign policies, Common Foreign and Security Policy (CFSP) and supranational external relations might undermine the normative power of the EU (Lerch & Schweltnus, 2006).

Thomas Frank, an international relations scholar, asserted that "the degree of the ruler's legitimacy depends in part on its coherence, which is to say its connections, both internally and externally". In this context, coherence differs from consistency which means that a rule is applied to everyone equally. "A rule's inconsistent application does not necessarily undermine its legitimacy as long as the inconsistencies can be explained to the satisfaction of the community by a justifiable (i.e. principled) distinction". If these inconsistencies are not justified, they would lead to major coherence problem which challenges the legitimacy of a policy (Lerch & Schweltnus, 2006, pp. 307-308).

Moreover, the normative power of the EU relies on the interplay between its policy goals, and its means, and justifications. This power varies when different issues are taken into account. For example, the cases of the death penalty and minority rights illustrate this difference.

In the case of the death penalty, the EU backs up its abolition policy in a coherent manner by linking the death penalty to the ban of cruel and inhuman punishment which is a universally accepted norm. All member states have abolished the death penalty and the internal consensus on this issue makes the EU's external death penalty policy outspoken and proactive. On the other hand, the case of minority rights paints a different picture. The minority rights issue has played a significant role in the foreign policy of the EU since the 1990s. However, member states did not establish an internal EU minority standard in this regard. The concept of non-discrimination has been used for addressing minority rights. While the EU demanded from third countries not only non-discrimination but also specific measures regarding minority rights in the enlargement process, it did not go beyond the concept of non-discrimination. In addition, some populations have still faced with discrimination in the EU. For example, Roma population in EU have been still discriminated even they are citizens of the EU countries. In this respect, there is a gap between its internal and external concerns. The lack of internal consensus between member states results in incoherency problem, in turn; this diminishes the role of persuasion in expanding the EU's minority protection norms. The normative power of the EU has thus been additionally diminished in the context of minority rights issues (Lerch & Schweltnus, 2006).

c) Sovereignty

It is asserted that promoting human rights can be seen as 'new interventionism', which challenges sovereignty (Men, 2011, p. 538). However, the EU rejects the claims that the EU interferes in the domestic affairs of third countries by promoting human rights and persists in the universality of them. However, other interests are often considered by the EU member countries in the name of promoting human rights. In this respect, some theorists argue that promoting these values in third countries could undermine their sovereignty and the policy of non-interference in third countries' domestic affairs (Smith, 2003). The cases of Sri Lanka and China assessed in section 3 are also good examples of sovereignty problem.

From an ethical perspective, and in the realm of the EU's foreign policy, it is clear that cosmopolitanism and sovereignty are set against each other. Cosmopolitanism indicates that "prioritizing national interests in foreign policy would contradict moral principles of impartiality and equal concern for all relevant subjects". On the other hand, sovereignty is an important moral standing of a state and the states have rights to make their own decisions in domestic and foreign policies (Ypi, 2008, p. 350).

d) Double Standards

Inconsistencies and incoherencies in the EU's external human rights policy leads to double standards. Demanding from third countries to avoid human rights violations and being reluctant to deal with human rights violations in member states shows double standards of the EU as for human rights NGOs. This can easily be seen in the annual human rights reports of the EU. These reports address much on human rights issues in third countries while little or no reports are presented on human rights issues in the member states. This is a gap between the internal and external level of EU policy. This gap is quite clear in the treatment of third states aiming to join the EU. Respect for human rights is an essential element of the accession to the EU. In this respect, there are some questions about the application of this conditionality to applicant countries consistently. In addition, the applied standards may be different in terms of whether the country is a member state or an applicant (Smith, 2003). For example, the Framework Convention on National Minorities has not been ratified by all EU member states, but its provisions are the requirements for applicant states. The case of Turkey illustrates this inconsistency. In 2001, the Regular Report on Turkey's Progress stated that the Council of Europe Framework Convention for the Protection of National Minorities has not been signed by Turkey. On the other hand, this convention has not been signed and ratified by all the EU member states yet. This is an example of incoherence since this convention has been presented as fundamental EU standard without having been signed or ratified by all EU members. In this respect, the incoherence between the EU's internal and external policies will harm the credibility of the EU in the eyes of third countries, and leads to criticism of its double standards (Turkes, 2011).

e) Values versus interests

Realists assert that the human rights consideration is just a mask which hides other interests. If the aid budgets decline, the aid to economically and politically less significant countries will decrease in the name of human rights violations in these countries (Lampe, 2007). Many NGOs have seen human rights conditionality as a justification of the EU action which cuts off aids to the strategically less important countries. The main complaint of NGOs is that human rights instruments have been used in accordance with the strategic interests of the EU member states (Youngs, 2004). For example, though the criticism of the EU as regards the USA in the realm of the death penalty and Guantanamo Prison, the relations between the USA and the EU have never been disrupted because of security and trading interests of the EU (Smith, 2003).

Moreover, the EU's sanction policy illustrates that the consideration of interests overrides the EU's ethical and normative concerns. The EU member states don't agree on sanctions which might negatively affect their own political or commercial interests. In this respect, these concerns result in non-imposition or suspension of the sanctions (Brummer, 2009).

f) Legality

The EU's conditionality policy has been criticized for having problems with the legality of its human rights clauses. It is claimed that the EC does not have the general authority to enact human rights rules on third countries. However, the EU applies human rights clauses on

agreements with third countries. In addition, the Universal Declarations of Human Rights is principally referred to in human rights clauses though it is not a binding document (Zwagemakers, 2012). In addition, one can claim that the EU is not a party to any international human rights treaty. Therefore, it is not bound by human rights. Contrary to these arguments, it should be taken into account that the EU is an intergovernmental organization whose members are ratified by several international human rights conventions. Moreover, Article 6 (2) of the Maastricht Treaty states that the EU shall respect the human rights guaranteed by European Convention for Protection of Human Rights (Nwobike, 2007). However, in order to support counter arguments, the EU should be party of Universal Declarations of Human Rights. Because all of its member states ratified Universal Declarations of Human Rights, it is time to be part of it for the EU.

g) Credibility and Legitimacy

In order to provide credibility in its partnerships and engagements, there should be a machinery of positive conditionality based on rewards. The EU's practices in allocating aid shows a poor record of the EU in setting up a system because the preferences and strategic and security interests of the member states give direction to the flow of aid. For example, in 1999, the EU rewarded Morocco for its reform efforts, whereas the biggest aid recipient from the EU in the same year was Egypt, which did not make any related progress. In a similar vein, some NGOs claim that the counter terrorism strategies in the EU and the fight against illegal immigration have led to increases in human rights violations in the EU and this challenges the credibility and legitimacy of the EU in its efforts to promote human rights to third countries (Balfour & Missiroli, 2007). To deal with this problem, The Council and Commission stressed the need for including human rights developments in the EU in the 2006 Annual Human Rights Report, which is important in terms of credibility of the EU (Smith, 2003).

Conclusion

Foreign policy is a considerably complex field of study and it is difficult to clarify its key components. It consists of several intertwined elements in which it is extremely difficult to identify the pieces. In this respect, examining human rights in a complex field requires highly concentrated analyzes. In terms of this complex issue, this study assessed human rights and the external policy of European Union by considering its ethical dimensions.

Even though, the Union hasn't claimed officially that it conducts its external policy with regards to an ethical dimension, it has valued human rights as a key objective in its foreign policy. In this context, the EU has used several policy instruments such as human rights clauses, political dialogue and consultation, demarches and declarations, common strategies, common positions, joint actions, and financial assistance and aid. 'Respect for human rights' has become a condition in establishing relations with third countries. It is believed that these values, which are universal values, but not EU-specific values, constitute the basis of Western society, and should be upheld and promoted.

It is not possible to be credible in the international arena without committing to human rights. In this respect, the EU is an important international actor and it differs from others by its shared view of placing human rights in its external policy and instruments. On the other hand, consistency, coherence and conviction in the foreign policy are very significant for providing credibility. In this respect, the EU has faced some ethical challenges such as inconsistency and incoherency in its external relations. These challenges result from several factors such as the self-interest of some EU member states and the hybrid polity characteristic of the EU. From an ethical perspective, their approach to policy-thinking can be considered another factor. "Ethics can only play a role at the margins of policy-thinking due to the limited agency of

policymakers. Wider traditions of governance, such as socialism, social democracy or liberalism, did provide scope to evoke ethics and highlight their importance; however, when policymakers turned to the dilemmas of policy and the actual moment of decision, these latter traditions were less significant" (Gaskarth, 2012, p. 16). As a result, one can claim that the external policy of the EU will continue to fluctuate between values, norms and interests.

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